

HOUSE BILL REPORT

HB 2744

As Reported by House Committee On:
State Government
Appropriations

Title: An act relating to elections.

Brief Description: Implementing the Help America Vote Act.

Sponsors: Representatives Miloscia and Armstrong; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/23/04, 2/3/04 [DPS];

Appropriations: 2/6/04 [DP2S(w/o sub SG)].

Brief Summary of Second Substitute Bill

- Creates a centralized state voter registration list.
- Initiates a state grant program for voting projects by local governments.
- Allows provisional ballots for court-ordered voting after the scheduled conclusion of voting.
- Establishes times and methods for disabled voting.
- Establishes an administrative complaint procedure for elections.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Matt Kuehn (786-7291).

Background:

The Help America Vote Act of 2002 (HAVA) was passed by the United States Congress and signed into law by President George W. Bush in October 2002. The HAVA is a response to the 2000 Presidential General Election, in particular the irregularities that emerged in Florida. Traditionally the administration of elections has been a state and local issue. Following the 2000 election, Congress determined that improvements to voting systems were necessary in each state. Washington, like other states, left the administration of elections to the various counties and localities. While the Secretary of State (Secretary) is the chief state election official, the counties and the county auditors are the entities most directly involved in the election process.

That division of labor began to put the counties and local governments under a great deal of stress in the 1990s as the registration lists grew into sprawling and unmanageable databases. Inequalities between individual counties in technology and lack of communication meant that duplicate registrations were common. Where a duplicate registration was discovered, individuals were barred from voting, oftentimes to the surprise of that individual. In cases where a duplicate was not identified, the voter was capable of voting more than once.

The Florida election was further complicated by a lack of procedures for administrative complaints or for polls being kept open by court order. The confusion over these issues as well as aging equipment that defied full voting participation by the county's disabled registered voters inspired the changes made by the HAVA.

Summary of Substitute Bill:

A State ID card is an acceptable identification form for registration. Registration forms may be rejected because of modification of the language on the form, as opposed to being rejected for modification of the form itself.

The central statewide voter registration list must be coordinated with other state agency databases, including the Departments of Health, Corrections, and Licensing.

The Secretary must review the technological issues of voter registration transferral and voting systems for the disabled with the Information Services Board (ISB).

The effective dates and repeal dates are adjusted. The forms, registration standards, and consultation with the ISB take place immediately. The local government grant program, administrative complaint, and provisional ballot sections take effect in 2004. Disability access voting takes effect in 2005. The statewide voter list takes effect in 2006.

Substitute Bill Compared to Original Bill:

State identification is added as a means of personal identification. Rejection of forms is only for alteration of the language printed on the form. Physical alteration of the form itself will not result in rejection of the form.

The ISB is integrated into the Secretary's technological decision making. The ISB will be consulted and have the opportunity to review and make recommendations on the Secretary's proposals before the proposals are implemented.

Disabled access voting locations must be acceptable and comply with federal and state access requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Sections 102, 103, 114 through 117, 137, and 321 take effect immediately. Sections 118, 201 through 203, 401, 501, and 702 take effect July 1, 2004. Sections 301 through 320 take effect January 1, 2005. Sections 101, 104 through 113, 119 through 136, 601, 701, and 704 take effect January 1, 2006.

Testimony For: Although the bill is compelled by federal law and must be done, it is still good policy. The bill simply defines and executes the requirements of the HAVA. The bill is policy neutral. The state will receive a significant amount of federal money if it passes the bill. The federal law requires the collection of drivers license numbers or part of a person's social security numbers for registration. Disabled voter access is expanded by expanding time and methods by which to vote. The voter list will continue to be sold, both by the county and now by the Secretary. The increase in money given to the small counties is simply an adjustment for inflation.

(With concerns) Cross checking names and dates of birth is not sufficient to distinguish felons from voters. There is a concern that people who are eligible to vote will be mistakenly turned away without notification.

Testimony Against: None.

Persons Testifying: (In support) David Elliott, Office of the Secretary of State.

(With concerns) Eve Rickert.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government. Signed by 26 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Anderson, Boldt, Buck, Chandler, Clements, Cody, Conway, Cox, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Schual-Berke, Sump and Talcott.

Staff: Holly Lynde (786-7153).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government:

An incorrect chapter law reference is changed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Second Substitute Bill: The bill contains several effective dates; please refer to the bill.

Testimony For: None.

Testimony Against: None.

Persons Testifying: None.

Persons Signed In To Testify But Not Testifying: None.